



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,288	08/16/2001	Robert Wesley Bossemeyer	20103/A00623	2228

34431 7590 02/01/2008
HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

EXAMINER

CHO, HONG SOL

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

02/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/931,288

Applicant(s)

BOSSEMEYER ET AL.

Examiner

Hong Cho

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The following is in response to the amendments filed on 01/03/2008. Claims 7-12 have been cancelled. Claims 1-6 and 13-22 are pending in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al (US 6026151), hereinafter referred to as Bauer in view of White et al (US 6069890), hereinafter referred to as White.

Re claims 1 and 22, Bauer discloses a switching system providing voice and data telephone service to subscribers connected through telephone lines to each switching system (*operating a home gateway system comprising the steps of connecting a telephone to a data telephony interface of the home gateway system*, figure 1; column 3, lines 5-8), receiving a call at its switching fabric (*detecting a dialing of a number*), forwarding the call to the processor and determining the routing number of Internet Service Provider

(ISP) which the subscriber requires (*triggering on a call request at a switch of the home gateway system and sending a query to a processor of the home gateway system, receiving a reply from the processor including a telephone number of an internet service provider*, column 4, lines 26-40), connecting to the desired ISP (*establishing a telephony connection with ISP*, column 4, lines 62-65). Bauer fails to disclose dialing a destination telephone number and sending a message to the ISP including the destination phone number. White discloses dialing destination telephone number (column 8, lines 29-32) and submitting a recipient's telephone number once connected to the ISP (column 8, lines 59-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bauer to send a message to the ISP with the destination phone number so that the ISP can route a call to the correct destination node. The motivation to combine is to use the function of ISP in routing network packets used for initiating and terminating telephone calls.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of White and further in view of Ng et al (US 6243376), hereinafter referred to as Ng.

Re claim 2, Bauer discloses all of claim limitations of a base claim but fails to disclose digitizing an audio signal, packetizing the digitized signal to form a plurality of outgoing packets and transmitting the plurality of outgoing packets to the ISP. Ng discloses converting voice signals into a data packet format suitable for transmission over the Internet (column 3, lines 60-63). It would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify Bauer to convert an audio signal to a data packet so that a voice call is connected over the Internet through ISP.

The motivation is to use Voice over Internet Protocol (VoIP) that converts a traditional voice signal into a stream of packets that are distributed over a packet network so that packet switched network is utilized to support voice calling system.

Re claim 3, Bauer discloses all of claim limitations of a base claim, but fails to disclose receiving a plurality of incoming packets from the ISP, converting the plurality of incoming packets into an incoming audio signal and connecting the incoming audio signal to the telephone. Ng discloses processing the incoming data packet format into audio signals reproducible as voice through the phone (column 3, lines 63-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bauer to convert a data packet back to an audio signal so that a voice call is connected over the Internet through ISP. The motivation is to use VoIP that converts a stream of packets back into traditional voice signal to support conventional telephone system.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of White and further in view of Lin et al (US 6791952), hereinafter referred to as Lin.

Re claim 4, Bauer discloses all limitations of the base claim, but fails to disclose establishing a wireless local loop connection to a base station (BS) and connecting the BS to the ISP. Lin discloses a BS, which is connected to the ISP (figure 4; column 9, lines 5-6), serving a plurality of subscriber radio terminals through wireless access link (figure 4,

elements 410 and 411; column 8, lines 42-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bauer to implement Lin's wireless Internet access system to provide efficient provision of asymmetric data services.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of White and in view of Ng and further in view of Gerszberg et al (US 6542500), hereinafter referred to as Gerszberg.

Re claim 5, Bauer discloses all limitations of the base claim, but fails to disclose compressing the digitized signal. Gerszberg discloses compressing IP packets and the voice (column 27, lines 63-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bauer to implement the function of Gerszberg's processor to compress digitized signal to conserve additional amount of bandwidth.

Re claim 6, Bauer discloses all limitations of the base claim, but fails to disclose determining a priority of the plurality of outgoing data packets and when the priority is low, storing the plurality outgoing packets until all of a high priority data packets have been transmitted. Gerszberg discloses the processor in the Intelligent Services Director (ISD) configured to discriminate between the various forms of traffic (*determining a priority of the plurality of outgoing data packets*) and distributing high priority packets from one or more priority queues (*when the priority is low, storing the plurality outgoing packets until all of a high priority data packets have been transmitted*, column 19, lines

54-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bauer to implement the function of Gerszberg's processor to provide guaranteed bandwidth and latency service by distributing packets based on priority scheme.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Liu et al (US 5898780), hereinafter referred to as Liu.

Re claim 13, Lin discloses sending a command to a transceiver to establish a telephony connection to a service provider (figure 4; column 9, lines 5-6). Lin fails to disclose receiving a request requiring an external connection at a router to establish a communication session with an ISP by directing the transceiver to establish a telephony connection with the ISP. Liu discloses a router making a connection to a local system over an Internet (column 3, lines 23-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lin by adding to it the feature of establishing a connection to ISP via a transceiver for the benefit of routing the call to the Internet to use the function of ISP in routing network packets used for initiating and terminating telephone calls.

Re claims 14 and 15, Lin discloses establishing a wireless local loop connection to a base station through an asymmetric data channel (figure 4; column 8, lines 53-56)

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Liu and further in view of Gerszberg.

Re claims 16 and 17, Lin discloses all limitations of the base claim, but fails to disclose receiving the request from a television processing system for an information service provider request and sending received information over a channel to a television. Gerszberg discloses providing CATV services to subscribers (figure 5; column 7, lines 59-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lin to implement a television processing system of Gerszberg to provide integrate services so that any requested information would be available based on subscriber preferences.

Re claim 18, Lin discloses all limitations of the base claim, but fails to disclose television system receiving an email request, directing the processor to download an email and sending the email over the selected channel of the television. Gerszberg discloses providing email services (column 24, lines 24-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lin to provide email services by Gerszberg's television processing system so that wide range of telephony services are accessed based on users' preference for communication over the Internet.

Re claim 19, Lin discloses all limitations of the base claim, but fails to disclose an emergency broadcast network receiver connected to the television processing system. Gerszberg discloses providing emergency services (column 14, lines 57-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lin to provide emergency services by Gerszberg's television processing system for providing a faster emergency broadcast over the Internet.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Liu and further in view of Ng.

Re claim 20, Lin discloses all limitations of the base claim, but fails to disclose home gateway system including a voice mail system. Ng discloses the Internet phone with a voice mail system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lin to implement a voice mail system of Ng to provide integrate services including telephony and Internet services.

Allowable Subject Matter

4. Claim 21 is allowed.

Response to Arguments

5. Applicants' arguments with respect to claims 1-6 have been considered but are not persuasive.

Regarding claim 1, the applicant argues that neither Bauer nor White describes detecting a dialing of destination number and establishing a telephony connection with an ISP based on a telephone number of the ISP in response to the dialing of the destination number. The examiner respectfully disagrees. The examiner established *prima facie* obviousness by relying on White's teaching on dialing destination telephone number and submitting a recipient's telephone number once connected to the ISP, where Bauer's

generic access number would be replaced with the destination number of White. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the access number to be replaced with a destination number.

Regarding claim 13, the argument is moot in view of new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number:
09/931,288
Art Unit: 2619

Page 10

hc

Hong Cho
Patent Examiner
1/25/2008